

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Universal Service Contribution Methodology	)	WC Docket No. 06-122
	)	
Application for Review by American	)	
Teleconferencing Services, Ltd. d/b/a Premiere	)	
Global Services	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: September 26, 2016**

**Released: September 26, 2016**

By the Deputy Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this Order, we address a request filed by American Teleconferencing Services, Ltd. d/b/a Premiere Global Services (ATS).<sup>1</sup> ATS seeks review by the Commission, under section 1.115 of the Commission's rules,<sup>2</sup> of the Wireline Competition Bureau (Bureau)'s 2015 *ATS Order*<sup>3</sup> in which the Bureau found that ATS failed to demonstrate good cause for a waiver of the Commission's one-year revision deadline for the annual Telecommunications Reporting Worksheet (Worksheet or FCC Form 499-A).<sup>4</sup> On our own motion,<sup>5</sup> we are treating the instant request as a petition for reconsideration

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<sup>1</sup> Application for Review of Decision of the Wireline Competition Bureau and Request for Waiver of One-Year Downward Revision Deadline for FCC Forms 499-A, American Teleconferencing Services, Ltd. d/b/a Premiere Global Services, WC Docket No. 06-122 (filed July 9, 2015) (Petition). *See also* Notice of Ex Parte Presentation, American Teleconferencing Services, Ltd., d/b/a Premiere Global Services, WC Docket No. 06-122 (filed Mar. 7, 2016) (March 2016 Ex Parte); Notice of Ex Parte Presentation, American Teleconferencing Services, Ltd., d/b/a Premiere Global Services, WC Docket No. 06-122 (filed Apr. 14, 2016) (April 2016 Ex Parte); Revised Notice of Ex Parte Presentation, American Teleconferencing Services, Ltd., d/b/a Premiere Global Services, WC Docket No. 06-122 (filed June 10, 2016) (June 2016 Ex Parte) (revising its April 2016 Ex Parte to narrow the scope of the request for confidential treatment). ATS is a wholly owned subsidiary of Premiere Global Services, Inc. (PGI). In this Order, we use "ATS" to refer to both the petitioner and its parent company.

<sup>2</sup> 47 CFR § 1.115.

<sup>3</sup> *Universal Service Contribution Methodology, Request for Review and Waiver by American Teleconferencing Services, Ltd. d/b/a Premiere Global Services*, Order, 30 FCC Rcd 6137 (WCB 2015) (*ATS Order*).

<sup>4</sup> *See Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review-Streamlined Contributor Reporting Requirements Associated With Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Changes to the Board of Directors of the National Exchange Carrier Associations, Inc.*, Order, 20 FCC Rcd 1012, 1013, para. 10 (2004) (*One-Year Deadline Order*) (adopting a one-year deadline for filing revisions to the FCC Form 499-A).

<sup>5</sup> *See, e.g., Federal-State Joint Board on Universal Service, Application for Review by American Cyber Corp., et al.*, Order on Reconsideration, 29 FCC Rcd 7538, 7539, para. 1 (WCB 2014); Channel 51 of San Diego, Inc., Licensee of KUSI-TV San Diego, CA, 27 FCC Rcd 1922, para. 3, n.7 (EB 2012); Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to Malcolm Steveson, Esq., 25 FCC Rcd 17042 (MB 2010) (treating applications for review as petitions for reconsideration under the Commission's rules).

(Petition) of the *ATS Order* under section 1.106 of the Commission's rules.<sup>6</sup> Although we typically do not consider arguments that were not previously raised, section 1.106(c)(2) of the Commission's rules provides that a petition for reconsideration which relies on facts not previously presented to the Commission may be granted if we find that "consideration of the facts relied on is required in the public interest."<sup>7</sup> In this instance, as described more fully below, ATS argues that the financial hardship incurred as a result of its inadvertent administrative mistake was sufficiently large to require disclosure as material in its quarterly reports to the Securities and Exchange Commission (SEC), a factor which the Bureau has not previously had the opportunity to consider in the context of a waiver request of the one-year revision deadline. We therefore find that, in this limited instance, it would be in the public interest to consider ATS's argument in order to provide additional guidance on what constitutes sufficient financial hardship in the context of a waiver request of the one-year revision deadline.<sup>8</sup> We thus reconsider our *ATS Order* and grant ATS's Petition. We direct the Universal Service Administrative Company (USAC) to accept ATS's August 2013 revision to its 2012 FCC Form 499-A as if timely filed and adjust invoices and provide any refund as appropriate, consistent with the terms of this Order.

## II. BACKGROUND

### A. The Act and the Commission's Rules

2. Section 254(d) of the Communications Act of 1934, as amended, directs that every telecommunications carrier that provides interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.<sup>9</sup> Section 254(d) further provides that any other provider of interstate telecommunications may be required to contribute to the preservation and advancement of universal service if the public interest so requires.<sup>10</sup> Pursuant to the Commission's rules, carriers and certain other providers of interstate telecommunications are required to file an FCC Form 499-A with USAC.<sup>11</sup>

3. Contributors are required to file their FCC Forms 499-A by April 1 of each year reporting, among other things, the prior year's revenues.<sup>12</sup> A filer that discovers errors in the revenue data

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<sup>6</sup> 47 CFR § 1.106(c)(2). Under sections 1.115(d) and 1.106(f), applications for review and petitions for reconsideration are to be filed within 30 days of public notice of the Commission action. The 2015 *ATS Order* was released on June 9, 2015 and ATS's Petition was filed on July 9, 2015; therefore, ATS's Petition was timely filed.

<sup>7</sup> 47 CFR § 1.106(c)(2).

<sup>8</sup> See 47 CFR § 1.106(c)(2). See, e.g., Letter from Michael J. Wilhelm, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, to Marc D. Fisher, State of Maine, Department of Administrative and Financial Services, Office of Information Technology, 28 FCC Rcd 1355 (2013) (granting a petition for reconsideration pursuant to section 1.106(c)(2) of the Commission's rules).

<sup>9</sup> 47 U.S.C. § 254(d).

<sup>10</sup> *Id.*

<sup>11</sup> See 47 CFR §§ 54.706, 54.711, 54.713 (requiring all telecommunications carriers providing interstate telecommunications services and certain other providers of interstate telecommunications to file FCC Form 499-A); USAC, *Contributors: What and How to File*, <http://usac.org/cont/filers/what-and-how-to-file.aspx> (last visited September 22, 2016).

<sup>12</sup> The Commission requires universal service fund (USF or Fund) contributors to provide certain revenue information on a quarterly and annual basis. See 47 CFR § 54.711(a) (setting forth reporting requirements in accordance with Commission announcements in the Federal Register). The filing schedule is set forth in the instructions to the FCC Form 499-A. Under the current filing schedule, the annual FCC Form 499-A is due April 1 of each year, and the quarterly FCC Form 499-Q is due on February 1, May 1, August 1, and November 1 of each year. See, e.g., *Comprehensive Review of the Universal Service Fund Management, Administration and Oversight et al.*, Report and Order, 22 FCC Rcd 16372, 16376, para. 9, n.15 (2007) (*Comprehensive Review Order*).

that it has previously reported on FCC Form 499-A corrects those errors by filing a revised form. The filer must submit a revised FCC Form 499-A by March 31 of the year after the original filing due date.<sup>13</sup> The purpose of the one-year revision deadline is, among other things, to help ensure the stability and sufficiency of the federal universal fund, improve the integrity of the universal service contribution methodology, and promote efficiency in administration of the universal service support mechanisms.<sup>14</sup>

## B. Factual Summary

4. *Procedural History.* ATS is a provider of audio-bridging, videoconferencing, and online collaborative solutions.<sup>15</sup> ATS timely reported its calendar year 2011 revenues to USAC, filing its FCC Form 499-A in March 2012.<sup>16</sup> ATS represents that around May 2012, it began to notice a growing receivable on its books that resulted in a large discrepancy between what the company was paying in USF contributions and what it was collecting from its customers for those contributions.<sup>17</sup> In order to determine the reasons for this imbalance, ATS immediately requested detailed call information from the vendor related to its international and foreign traffic.<sup>18</sup> The vendor informed ATS that compiling this information would require it to create custom reports (at significant cost to ATS) that ATS would then be required to further examine in order to determine the cause of the USF imbalance.<sup>19</sup> In August 2012, ATS received an initial report that included the additional call information for calendar year 2011 from the vendor.<sup>20</sup> It then took ATS several months to parse the data to isolate the non-assessable foreign-to-foreign traffic and revenue.<sup>21</sup> In late February 2013, ATS completed its analysis of the 2011 data.<sup>22</sup> As soon as practicable, after determining the correct assessable and non-assessable amounts, in March 2013, ATS submitted a timely revision to its 2012 FCC Form 499-A in order to segregate the non-assessable foreign revenues from its assessable contribution base.<sup>23</sup> This revision was accepted by USAC.<sup>24</sup>

5. In July 2013, approximately four months after the one-year revision deadline for the 2012 FCC Form 499-A had passed, ATS received its first true-up invoice from USAC.<sup>25</sup> Upon receiving the invoice, ATS discovered that it had mistakenly reported its foreign-to-foreign revenue on Line 417

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<sup>13</sup> See *supra* n.4.

<sup>14</sup> *One-Year Deadline Order*, 20 FCC Rcd at 1013, para. 10.

<sup>15</sup> See Petition at 4.

<sup>16</sup> See March 2016 Ex Parte, Exh. A at 3.

<sup>17</sup> June 2016 Ex Parte at 2.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* In July 2012, the vendor began providing modified monthly reports on a going forward basis to include the additional call data. *Id.* ATS used this information to report its revenues for calendar year 2012 and going forward. See June 2016 Ex Parte at 2; Petition at 6; March 2016 Ex Parte, Exh. A at 3.

<sup>21</sup> June 2016 Ex Parte at 2. ATS represents that the initial batch of raw data from the vendor proved insufficient to determine foreign-to-foreign traffic, and ATS therefore had to make multiple follow-up requests to the vendor. *Id.* Once it received the data, ATS technical staff had to (1) develop new reports based on the data; (2) review those reports with ATS' accounting department; (3) test, validate, and reconcile numbers; and (4) run final numbers into prior years' data to test for consistency and confirm ATS's analysis was correct. *Id.* This process required several teams of ATS staff and an in-depth analysis of its bill codes, ultimately consuming six months of time. *Id.* at 2-3.

<sup>22</sup> *Id.* at 3.

<sup>23</sup> See Petition at 5; March 2016 Ex Parte, Exh. A at 3; June 2016 Ex Parte at 3.

<sup>24</sup> See Petition at 5.

<sup>25</sup> See Petition at 5-6; March 2016 Ex Parte, Exh. A at 3.

instead of Line 418.3(a) in its March 2013 revision to its 2012 FCC Form 499-A.<sup>26</sup> Thus, ATS had inadvertently reported non-assessable (Line 418.3(a)) revenue as assessable (Line 417).<sup>27</sup> This error resulted in ATS owing additional contributions rather than receiving an anticipated refund.<sup>28</sup> In August 2013, ATS attempted to file a second revision to its 2012 FCC Form 499-A,<sup>29</sup> moving the misreported foreign-to-foreign revenues to the correct line.<sup>30</sup> USAC rejected ATS's second revision, because it was submitted after the one-year revision deadline.<sup>31</sup> In October 2013, ATS sought a waiver of the one-year deadline from the Bureau so that it could submit its second revision.<sup>32</sup> In June 2015, the Bureau denied ATS's request.<sup>33</sup>

6. *ATS Order.* In the 2015 *ATS Order*, the Bureau concluded that ATS failed to demonstrate good cause for a waiver of the one-year revision deadline.<sup>34</sup> The Bureau found that the financial hardship incurred by ATS did not rise to the order of magnitude of other instances where the Bureau granted a waiver due to financial hardship caused by an error in reporting obligations.<sup>35</sup> The Bureau noted ATS's argument that it had a "significantly abbreviated time to revise" its FCC Form 499-A filing, but stated that ATS, like all other filers, had a full year to revise its FCC Form 499-A, and indicated that ATS should have been more careful in making its revisions.<sup>36</sup> The Bureau therefore found that equitable considerations did not weigh in favor of granting the waiver request, and thus denied ATS's request for waiver.<sup>37</sup>

7. *Petition and Ex Partes.* On July 9, 2015, ATS filed the instant Petition.<sup>38</sup> ATS contends that the Bureau erred in denying ATS's request for review of USAC's decision because the Bureau's decision is in conflict with case precedent and involves erroneous findings as to important and material questions of fact.<sup>39</sup> Specifically, ATS argues that, rather than applying the traditional waiver standard in determining whether a waiver was justified, the Bureau replaced the multi-factor standard applied in other instances with a single "order of magnitude" test.<sup>40</sup> ATS also contends that the Bureau erred by limiting its hardship analysis to the monetary value of the contribution without taking into account other material

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<sup>26</sup> See Petition at 5-6; March 2016 Ex Parte, Exh. A at 3.

<sup>27</sup> See Petition at 5; March 2016 Ex Parte, Exh. A at 3.

<sup>28</sup> See Petition at 6; March 2016 Ex Parte, Exh. A at 3.

<sup>29</sup> See Petition at 6; March 2016 Ex Parte, Exh. A at 3.

<sup>30</sup> See Petition at 6-7.

<sup>31</sup> See Petition at 7; March 2016 Ex Parte, Exh. A at 3. The one-year revision deadline for the 2012 FCC Form 499-A was March 31, 2013.

<sup>32</sup> See Petition at 7; March 2016 Ex Parte, Exh. A at 4.

<sup>33</sup> See *ATS Order*.

<sup>34</sup> See *id.*

<sup>35</sup> *Id.* at 6139, para. 7. The Bureau noted that in each precedent cited by ATS, the petitioners faced a contribution obligation that amounted to multiple times their actual obligations, whereas ATS's increased obligation was a fraction of what it would have owed but for the mistake. *Id.* at para. 8.

<sup>36</sup> *Id.* at para. 8.

<sup>37</sup> *Id.* at para. 9.

<sup>38</sup> See *supra* n.1.

<sup>39</sup> Petition at 1.

<sup>40</sup> *Id.* at 3, 8-10. Although we disagree with ATS's characterization of the Bureau's order, we do not address ATS's argument here because we have reconsidered our decision and grant ATS's waiver request on the grounds described more fully below.

and important facts that can impose a hardship upon a filer.<sup>41</sup> Lastly, ATS argues that the Bureau's decision is in conflict with other Bureau decisions where the Bureau granted waivers under less favorable circumstances.<sup>42</sup> ATS argues that it has consistently and timely registered, reported and contributed to the USF and promptly filed its revision once it obtained the new capability to identify foreign-to-foreign revenue.<sup>43</sup> ATS therefore requests the Commission to reverse the Bureau's decision and grant a waiver of the FCC Form 499-A one-year revision deadline so that ATS may submit its second revision to its 2012 FCC Form 499-A and avoid erroneous universal service contribution assessments.<sup>44</sup>

8. Subsequently, on March 7, 2016, ATS submitted an ex parte presentation in support of its Petition.<sup>45</sup> In its ex parte, ATS asserts that the financial harm to ATS resulting from its ministerial error is significant and material by the standards of both the SEC and KPMG, its internal and external auditors.<sup>46</sup> ATS argues that a write-off of the amount at issue in this proceeding would negatively impact its 2013 earnings per share by an amount that a reasonable investor would find material.<sup>47</sup> Additionally, ATS states that KPMG agreed that the amounts at issue were material to the company's consolidated financial statements.<sup>48</sup> Thus, ATS indicates that it added a note to its SEC 10-Q filings cautioning that any adverse determination by the Commission on its Application for Review "could result in a material adjustment to [its] consolidated financial statements which could impact [its] results of operations."<sup>49</sup>

9. Additionally, ATS stated in its March 2016 Ex Parte that it took prompt, diligent, and good faith steps to improve its tracking and reporting capabilities and filed a revision as soon as possible after working with its vendor and internal staff to determine the precise amount of revenue attributable to foreign-to-foreign traffic.<sup>50</sup> On April 14, 2016 and subsequently revised on June 10, 2016, ATS submitted an additional ex parte presentation detailing these steps, which are described above.<sup>51</sup> ATS also asserts that global audio-bridging presents unique challenges for contributors that make it more difficult to isolate foreign-to-foreign calls.<sup>52</sup> Finally, ATS states that, because the market for global audio-bridging has greatly matured since 2008 and there are only a few audio-bridging providers that operate globally, the circumstances presented here are unique and unlikely to recur within the audio-bridging industry.<sup>53</sup>

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<sup>41</sup> *Id.* at 3, 10-11.

<sup>42</sup> *Id.* at 3, 11-12. ATS specifically points to the Bureau's *Exterior Networks/Coaxial Cable Order*, *Universal Service Contribution Methodology*; *Request for Waiver by Exterior Networks and Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, Order, 30 FCC Rcd 4711 (WCB 2015). Unlike the instant matter, this decision involved *de minimis* petitioners – i.e. filers who did not owe any contributions at all under our rules – and therefore resulted in minimal harm to the Fund. *Id.* at 4715, para. 10.

<sup>43</sup> Petition at 11-12.

<sup>44</sup> *Id.* at 3, 12-13.

<sup>45</sup> See *supra* n.1.

<sup>46</sup> See March 2016 Ex Parte at 2.

<sup>47</sup> *Id.* ATS provided a specific estimate of the impact in earnings per share in its confidential submission.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 2-3, Exh. B.

<sup>50</sup> See March 2016 Ex Parte at 3-4.

<sup>51</sup> See April 2016 Ex Parte at 2; June 2016 Ex Parte at 2; *supra* para. 4.

<sup>52</sup> See June 2016 Ex Parte at 3. ATS states that unlike traditional communications between two parties, audio-bridging involves multiple participants, each of which can be located domestically or internationally, can be bridged in any location, and can be connected to different bridges that themselves are linked together. *Id.*

<sup>53</sup> *Id.*

### III. DISCUSSION

10. Based on reconsideration of the record,<sup>54</sup> we find that ATS has demonstrated that good cause exists in this instance to justify a waiver of the Commission's revision filing deadline for its 2012 FCC Form 499-A. We therefore reconsider our 2015 *ATS Order*, grant ATS's Petition, and direct USAC to process ATS's August 2013 revision to its 2012 FCC Form 499-A as if timely filed.

11. Pursuant to the Commission's rules, a petition for reconsideration which relies on facts or arguments not previously presented to the Commission or to the designated authority may be granted if: (1) the petition relies on facts or arguments which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission; (2) the petition relies on facts or arguments unknown to the petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts or arguments in question prior to such opportunity; or (3) the Commission or the designated authority determines that consideration of the facts or arguments relied on is required in the public interest.<sup>55</sup> Additionally, the Commission may waive any provision of its rules for good cause shown.<sup>56</sup> A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>57</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>58</sup> In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>59</sup>

12. We find that the additional information presented by ATS subsequent to the 2015 *ATS Order* and equitable considerations weigh in favor of reconsidering the 2015 *ATS Order* and granting the waiver request to better serve the public interest.<sup>60</sup> We therefore reverse our prior finding and hold that ATS has established financial hardship in this case incurred as a result of an inadvertent administrative mistake. Absent a waiver, ATS would owe almost [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in additional contributions beyond its actual obligation (*i.e.* what it would have paid if it had not made the ministerial error).<sup>61</sup> ATS has submitted additional information demonstrating that it has treated this amount as material and necessitating shareholder disclosure under SEC standards, with the agreement of its internal and external auditors.<sup>62</sup> It has also provided information demonstrating the estimated per-share earnings impact of the error.<sup>63</sup> Moreover, we take into account the fact that ATS's error involved non-assessable revenue, and ATS would not have owed any additional contributions had it filed its revision correctly. Because ATS was not required to contribute to the Fund on this non-assessable foreign-to-foreign traffic, its failure to timely file its second revision to the 2012 FCC Form

<sup>54</sup> See Petition; March 2016 Ex Parte; April 2016 Ex Parte; June 2016 Ex Parte.

<sup>55</sup> 47 CFR § 1.106(c), (b)(2).

<sup>56</sup> 47 CFR § 1.3.

<sup>57</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>58</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (D.C. Cir. 1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>59</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>60</sup> See 47 CFR § 1.106(c)(2); Petition; March 2016 Ex Parte; April 2016 Ex Parte; June 2016 Ex Parte.

<sup>61</sup> Petition at 6.

<sup>62</sup> See March 2016 Ex Parte; April 2016 Ex Parte; June 2016 Ex Parte.

<sup>63</sup> See March 2016 Ex Parte, Exh. A at 7-8.



499-A caused minimal harm to the Fund.<sup>64</sup> Had ATS correctly filed the revision, the Fund would not have received contributions at all on those revenues.

13. While we rarely grant requests for waiver of the one-year deadline for revisions to the FCC Form 499-A,<sup>65</sup> we find that, in this limited instance, special circumstances warrant a deviation from this general rule. Unlike prior instances where petitioners failed to submit their FCC Forms 499-A at all, alleging that they misunderstood the filing procedures, or were negligent in filing an FCC Form 499-A,<sup>66</sup> ATS timely submitted both its initial 2012 FCC Form 499-A and its first revision based on the best information available at the time.<sup>67</sup> ATS did not realize that it needed more detailed call information to report accurately its foreign-to-foreign revenues until after it submitted its 2012 FCC Form 499-A.<sup>68</sup> ATS then took immediate steps with its vendor to obtain the information it needed to determine the discrepancy,<sup>69</sup> and in good faith attempted to correct its initial filing as soon as it was able to more precisely identify its foreign-to-foreign revenues.<sup>70</sup> In attempting to correct this error by submitting a timely revision to its 2012 FCC Form 499-A, ATS made an inadvertent clerical mistake and included non-assessable foreign-to-foreign revenue on the wrong line of the FCC Form 499-A.<sup>71</sup> Because the development of ATS's new capability to improve its reporting practices and its subsequent review of the data provided by its vendor took a number of months, ATS filed its first revision to its 2012 FCC Form 499-A only a few days before the FCC Form 499-A one-year revision deadline.<sup>72</sup> Therefore, while USAC accepted ATS's revised 2013 FCC Form 499-A, ATS was unable to correct the same mistake in its submission for 2012 because its second revision was filed beyond the one-year revision deadline.<sup>73</sup> The

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<sup>64</sup> See, e.g., *Comprehensive Review Order*, 22 FCC Rcd at 16378, para. 12 (discussing the harms to the Fund caused by late payments by contributors). See *Universal Service Contribution Methodology, Request for Waiver by Expor Networks; Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, Order, 30 FCC Rcd 4711 (WCB 2015) (*Expor Networks/Coaxial Cable Order*) (concluding that since neither petitioner was required to contribute to the Fund during the years at issue, their failure to file the FCC Forms 499-A on time caused minimal harm to the Fund).

<sup>65</sup> See, e.g., *Universal Service Contribution Methodology, Request for Review of a Decision of the Universal Service Administrator by IP Telecom Group, Inc.*, 26 FCC Rcd 11213 (WCB 2011) (*IP Telecom Order*) (finding that petitioner's claim that it did not have a clear understanding of the FCC Form 499-A instructions is not a unique circumstance sufficient to warrant a waiver of the one-year revision deadline); *Universal Service Contribution Methodology, Federal-State Joint Board on Universal Service, Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc., et al.*, Order, 25 FCC Rcd 10861 (WCB 2010) (*Airband Order*) (finding that each petitioners' claim of good cause for waiver of the FCC Form 499-A one-year revision deadline amounts to no more than simple negligence, petitioner error, or circumstances squarely within the petitioner's control).

<sup>66</sup> See *IP Telecom Order*; *Airband Order*.

<sup>67</sup> See *supra* para. 4.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 4-5.

<sup>71</sup> *Id.* at 5.

<sup>72</sup> *Id.* at 4-5; March 2016 Ex Parte, Exh. A at 3.

<sup>73</sup> See *supra* para. 5.

Bureau has routinely granted waivers in other contexts where petitioners have made ministerial errors.<sup>74</sup> Similarly, the error for which ATS seeks a waiver to correct is clearly ministerial.<sup>75</sup>

14. We therefore find that, based on the limited circumstances presented here, reconsideration of the 2015 *ATS Order* is warranted and good cause exists to waive the one-year revision deadline. Accordingly, we reconsider the 2015 *ATS Order*, grant ATS's Petition and waive the FCC Form 499-A revision deadline to allow ATS the opportunity to correct its subsequent error, which resulted in it being assessed on non-assessable foreign-to-foreign revenue. We therefore direct USAC to accept ATS's August 2013 revision to its 2012 FCC Form 499-A and to adjust its invoice and provide any refund as appropriate, consistent with the terms of this Order.

#### IV. ORDERING CLAUSES

15. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1–4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151–154, 254, and sections 1.106, 1.115 and 1.1910 of the Commission's rules, 47 CFR §§ 1.106, 1.115 and 1.1910, that the Petition filed by American Teleconferencing Services, Ltd. d/b/a Premiere Global Services on July 9, 2015 is treated as a Petition for Reconsideration and IS GRANTED to the extent described herein.

16. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), that this Memorandum Opinion and Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief  
Wireline Competition Bureau

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<sup>74</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, Order, 25 FCC Rcd 17319, 17320, para. 2 & nn.9 & 11 (WCB 2010) (permitting applicants to correct an inaccurately entered date and a mathematical error); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al, Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15518, 15520, para. 6, n.19 (WCB 2008) (permitting correction where applicant interchanged the amounts of different items).

<sup>75</sup> See *supra* para. 5 and n.74.